

S/N 09/390,228

PATENTRemarks

Favorable review is requested in view of the above amendments and following remarks. Claims 1, 31, and 76 have been amended to remove Si as an element to be included in the barrier layer. Claims 27, 54, and 75 have been cancelled without prejudice. No new matter has been added. Claims 1 - 7, 9, 11 - 27, 29, 31, 50 - 54, 56 - 64, and 74 - 77 are pending in the application.

Interview

A phone interview was conducted between Examiner Angebranndt, Doug Mueller, and Charles Jacobson on November 18, 2003. The interview focused on the patentability of the present claims in regard to the Office Action dated September 3, 2003. Examiner Angebranndt continues to maintain that phase change recording media and magneto-optical recording media are interchangeable. Applicants do not concede the correctness of this belief.

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Claim Objections

Claims 9, 11, 27, 54, and 75 were objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form. Applicants respectfully traverse this objection, and respectfully request reconsideration in view of the following comments.

Claims 27, 54, and 75 have been cancelled. Claim 9 refers to a first and a second barrier material. The first and second barrier material are included in the first and second protective layer, not the barrier layer of claim 1. Thus, claim 9 is not broader than claim 1. Claim 11 depends from claim 9 and also further limits the first and second protective layer, not the barrier layer of claim 1. Withdrawal of the objections is requested.

Rejection under 35 U.S.C. § 103

Claims 1 - 7, 9, 11 - 27, 29, 31, 50 - 54, 56 - 64, and 74 - 77 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshioka et al. (U.S. Patent No. 5,194,363) in view of Yoshioka et al. (JP 04 - 052188) and Shino et al. (JP 05 - 274726). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

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Claims 1, 31, and 76 have been amended to remove Si from the group of elements included in the barrier layer. In addition, claim 50 does not recite Si as an element to be included in the Ge-containing layer. The Group IVa notation in claims 50 and 52 represents the previous IUPAC form. If Group IVa was the CAS version, there would be no need to call out the specific reference to carbon, because the CAS version of Group IVa includes carbon. See page 44, lines 10 -13 of the specification. According to the previous IUPAC notation, Si is a Group IVb element, which is not listed in claim 50. A copy of the Periodic Table from the CRC Handbook of Chemistry and Physics 75th ed. showing the new IUPAC notation, the previous IUPAC notation, and the CAS notation for the periodic groups was previously presented along with the Amendment and Response filed on October 19, 2000. Another copy is enclosed for the ease of the Examiner.

Shino et al. describes a composition range for Si and Ge of a protective film containing Si, Ge, M, and H, which is a typical range for a Si-containing protective layer. However, the present claimed invention does not include Si in the barrier layer (Ge-containing layer). Therefore, Shino et al., along with the other cited references, do not disclose or suggest the present claimed invention. Withdrawal of the rejection is respectfully requested.

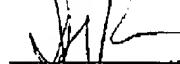
Conclusion

In view of the comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested. If any further question should arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully Submitted,

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By:


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Dated: December 1, 2003

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PERIODIC TABLE OF THE ELEMENTS

elements that do not occur in nature. The mass number of the most stable isotope is given in parentheses.

REFERENCES

I. S. J. Leigh, Editor, *Nomenclature of Inorganic Chemistry*, Blackwells Scientific Publications, Oxford, 1990.

I. U. J. Leigh, Editor, *Nomenclature of Inorganic Chemistry*